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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/015,381 | 12/12/2001 | Michael Wayne Brown | AUS920010818US1 | 2846 |

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EXAMINER

ELAHEE, MD S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2697

DATE MAILED: 04/24/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,381

Applicant(s)

BROWN ET AL.

Examiner

Md S Elahee

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 1-30 and 42-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 31-41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 02.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Restriction Requirement

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1-30 and 42-47, drawn to Voice activation or recognition, classified in Class 379, subclass 88.01.

Group II. Claims 31-41, drawn to Call intercept or answering at central office, classified in Class 379, subclass 84.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I. Claims 1-30 and 42-47, drawn to Voice activation or recognition, classified in Class 379, subclass 88.01 and Group II. Claims 31-41, drawn to Call intercept or answering at central office, classified in Class 379, subclass 84 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In this instant case, invention Group II has separate utility such as for use in Call intercept or answering at central office for the origin device. See M.P.E.P. § 806.05(d).
3. Because these inventions are distinct for the reason given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated proper.
4. During a telephone conversation with Cynthia S. Byrd on 04/02/03 a provisional election was made with traverse to prosecute the invention of Group II, claims 31-41. Affirmation of this election must be made by applicant in responding to this Office action. Claims 1-30 and 42-47 are withdrawn from further consideration by the Examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

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5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 31-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Bartholomew et al. (U.S. Patent No. 6,167,119).

Regarding claim 31, Bartholomew teaches receiving, at the central office switch, a short code identifier for a call request from an originating telephone (fig.4B, fig. 4C; col.13, lines 41-67, col.14, lines 1-7, col.21, lines 62-67, col.22, 1-12, col.23, lines 61-67, col.24, lines 1-21; ‘the central office switch’ reads on the claim ‘an intermediary device’, ‘a short code identifier’ reads on the claim ‘an authenticated caller identity’ and ‘originating telephone’ reads on the claim ‘origin device’).

Bartholomew further teaches retrieving the subscriber's profile for the short code identifier (fig.4B, fig. 4C; col.21, lines 62-67, col.22, 1-12, col.23, lines 61-67, col.24, lines 1-21; 'subscriber's profile' reads on the claim 'a caller profile' and 'short code identifier' reads on the claim 'authenticated caller identity').

Bartholomew further teaches specifying the various services available to the subscriber on outgoing call according to the subscriber's profile (fig.4B, fig. 4C; col.21, lines 26-67, col.1-28, col.21, lines 62-67, col.22, 1-12, col.23, lines 61-67, col.24, lines 1-21; 'subscriber's profile' reads on the claim 'a caller profile' and 'various services available to the subscriber on outgoing call' reads on the claim 'a selection of services from among a plurality of services that are offered for said call request').

Regarding claims 32 and 36, Bartholomew teaches that a short code identifier is identified by speech of the caller (fig.4B, fig. 4C; col.13, lines 41-67, col.14, lines 1-7, col.21, lines 62-67, col.22, 1-12, col.23, lines 61-67, col.24, lines 1-21; 'a short code identifier' reads on the claim 'an authenticated caller identity' and 'identified by speech of the caller' reads on the claim 'authenticated by a voice utterance of said caller').

Regarding claims 33, 37 and 40, Bartholomew teaches retrieving the caller profile data from a profile register within the central office switch (abstract; col.13, lines 41-60, col.14, lines 1-7, col.21, lines 62-67, col.22, 1-12; 'the central office switch' reads on the claim 'said intermediary device' and 'caller profile data from a profile register' reads on the claim 'caller profile from a profile database').

Regarding claims 34, 38 and 41, Bartholomew teaches retrieving the caller profile data from the IP 23 (abstract; col.13, lines 41-60, col.14, lines 1-7, col.21, lines 62-67, col.22, 1-12;

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‘caller profile data’ reads on the claim ‘caller profile’ and ‘IP 23’ reads on the claim ‘systems management server’).

Regarding claim 35, Bartholomew teaches the central office switch communicatively connected to a public switched telephone network (fig.1; col.7, lines 16-33; ‘the central office switch’ reads on the claim ‘an intermediary device’ and ‘public switched telephone network’ reads on the claim ‘telephone network’).

Bartholomew teaches receiving, at the central office switch, a short code identifier for a call request from an originating telephone (fig.4B, fig. 4C; col.13, lines 41-67, col.14, lines 1-7, col.21, lines 62-67, col.22, 1-12, col.23, lines 61-67, col.24, lines 1-21; ‘the central office switch’ reads on the claim ‘an intermediary device’, ‘a short code identifier’ reads on the claim ‘an authenticated caller identity’ and ‘originating telephone’ reads on the claim ‘origin device’).

Bartholomew further teaches retrieving the subscriber’s profile for the short code identifier (fig.4B, fig. 4C; col.21, lines 62-67, col.22, 1-12, col.23, lines 61-67, col.24, lines 1-21; ‘subscriber’s profile’ reads on the claim ‘a caller profile’ and ‘short code identifier’ reads on the claim ‘authenticated caller identity’).

Bartholomew further teaches specifying the various services available to the subscriber on outgoing call according to the subscriber’s profile (fig.4B, fig. 4C; col.21, lines 26-67, col.1-28, col.21, lines 62-67, col.22, 1-12, col.23, lines 61-67, col.24, lines 1-21; ‘subscriber’s profile’ reads on the claim ‘a caller profile’ and ‘various services available to the subscriber on outgoing call’ reads on the claim ‘a selection of services from among a plurality of services that are offered for said call request’).

Regarding claim 39, Bartholomew teaches a register (col.21, lines 62-67, col.22, 1-12; 'register' reads on the claim 'recording medium').

Bartholomew further teaches receiving, at the central office switch, a short code identifier for a call request from an originating telephone (fig.4B, fig. 4C; col.13, lines 41-67, col.14, lines 1-7, col.21, lines 62-67, col.22, 1-12, col.23, lines 61-67, col.24, lines 1-21; 'the central office switch' reads on the claim 'an intermediary device', 'a short code identifier' reads on the claim 'an authenticated caller identity' and 'originating telephone' reads on the claim 'origin device').

Bartholomew further teaches retrieving the subscriber's profile for the short code identifier (fig.4B, fig. 4C; col.21, lines 62-67, col.22, 1-12, col.23, lines 61-67, col.24, lines 1-21; 'subscriber's profile' reads on the claim 'a caller profile' and 'short code identifier' reads on the claim 'authenticated caller identity').

Bartholomew further teaches specifying the various services available to the subscriber on outgoing call according to the subscriber's profile (fig.4B, fig. 4C; col.21, lines 26-67, col.1-28, col.21, lines 62-67, col.22, 1-12, col.23, lines 61-67, col.24, lines 1-21; 'subscriber's profile' reads on the claim 'a caller profile' and 'various services available to the subscriber on outgoing call' reads on the claim 'a selection of services from among a plurality of services that are offered for said call request').

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (703)305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

M. E.

MD SHAFIUL ALAM ELAHEE

April 10, 2003


Kimberly A. Williams
Primary Examiner
Technology Center 2600